IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 21ST FEBRUARY 2007 / 2ND PHALGUNA 1928

Bail Appl..No. 977 of 2007()

CRMP.430/2007 of DISTRICT COURT, PALAKKAD
CRIME NO.43/07 OF CHERPULASSERRY POLICE STATION

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: PETITIONER:

ABOOBACKER, S/O.KUNCHIMOIDU,
AGED 45 YEARS, NALAKATH HOUSE,
JTHAZEKKOD, PERINTALMANNA,
MALAPPURAM DISTRICT.

BY ADV. SRI.P.SAMSUDIN

RESPONDENTS:

THE STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE CHERPULASSERRY
THROUGH THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 977 OF 2007 b

Dated this the 21st day of February, 2007

O R D E R

Petitioner, who is the 5th accused in Crime No.43/2007 of Cherpulasserry Police Station for an offence punishable under section 9B(1)(b) of the Explosives Act, 1884, seeks anticipatory bail.

2. Learned Public Prosecutor opposed the application.

3. The case of the prosecution is that on 25.1.2007 five persons, including the petitioner, were seen fishing in Thoothapuzha near Kalikavu Pump House using gelatin stick as explosive.

4. Anticipatory bail cannot be granted in a case of this nature. But at the same time, I am inclined to permit the petitioner to surrender before the Investigating Officer for interrogation and then to have his application for regular bail considered by the Magistrate concerned. Accordingly, the petitioner is directed to surrender before the Investigating Officer on any day between 26.2.2007 and 28.2.2007 for the purpose of interrogation. The petitioner shall, thereafter, be produced on the same day before the Magistrate concerned, who shall release the petitioner on bail on appropriate conditions including one which may oblige the availability of the petitioner for interrogation as and when required by the police.

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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